

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:09cv361**

**MELISSA ANN SLUDER KING,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **MICHAEL J. ASTRUE,** )  
 **Commission of Social Security,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Vacate the Order of Remand and Request for Leave to File an Answer [Doc. 12].

This matter was originated by the Plaintiff through the filing of a Complaint on September 17, 2009. [Doc. 1]. On January 27, 2010, Defendant filed an Assented-to Motion for Remand under Sentence Six, for the reason that the Plaintiff's file and hearing transcript had been lost and evidence had to be regenerated in order for this matter to proceed. [Doc. 9]. The Court entered an Order allowing the requested remand [Doc. 11], and immediately thereafter became aware of Defendant's filing its Motion

to Withdraw its Motion for Remand [Doc. 10]. The reason for which Defendant sought to withdraw was that Plaintiff's file and hearing transcript had been located. [Doc 10]. Defendant thereupon supplemented its Motion to Withdraw with the instant Motion to Vacate, seeking to proceed before this Court without remand. [Doc. 12].

For good cause shown, and with no opposition from Plaintiff, the Defendant's Motion and Request are granted.

**IT IS, THEREFORE, ORDERED** that:

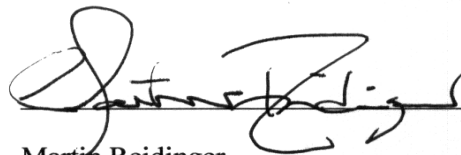
1. Defendant's Motion to Vacate the Order of Remand and Request for Leave to File an Answer [Doc. 12] are **GRANTED**.

2. The Court's Text Order of Remand dated February 17, 2009 is **VACATED** and the parties may proceed with this cause.

3. Within thirty (30) days from the entry of this Order, the Defendant shall file his answer.

**IT IS SO ORDERED.**

Signed: June 3, 2010

  
Martin Reidinger  
United States District Judge

